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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/333,806	06/15/1999	SHMUEL SHAFFER	99-P-7652-US	4529

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SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
186 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER

CALLAHAN, PAUL E

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/333,806

Applicant(s)

SHAFFER ET AL.

Examiner

Paul Callahan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **Response to Amendment**

1. Claims 1-19 are pending in this case and have been examined.

### ***Response to Arguments***

2. Applicant's arguments, see page 6 of the latest Amendment, filed 5-13-2004, with respect to claims 1-19 have been fully considered and are persuasive. The rejections of the claims under 35 USC 103 as being obvious over Miller '968 and Shaffer '083 have been withdrawn.

### ***Double Patenting***

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-19 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent No.

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6,145,083. Although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: Both claim the same system of providing security for a computing device by resolving conflicts between a password protected screen saver and communications capabilities in a Telephony-over-Lan (ToL) system by selectively enabling access to specific communications functions when the computing device is in a locked mode. Both the Patent and the instant application claim the same system of switching a computing device from a locked mode to an operative mode in response to detection of a pre-set authorization condition where said locked mode establishes a security condition with respect to data access capabilities and communications capabilities.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. US Patent 5,550,968, Aug. 27, 1996, and Pinard et al. US Patent 5,533,110.

As per claims 1, 6 and, 19 Miller teaches a method for providing a graphical user interface (GUI) in a computer; providing a client window within said GUI; manually placing said client window into a guest mode; and locking a guest user into said client window by preventing unauthorized use of functions of said computer external to said client window in said guest mode, and a means for releasing the preventing or locking means, in the Abstract, col. 2 lines 30-67, col. 3 lines 30-67, and col. 4 lines 39-67.

Miller does not explicitly teach operation of a ToL communications client window within a Graphical User Interface, however Pinard et al. does teach this feature in figures 1 and 2, and in col. 2 lines 9-22. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the steps of Miller into the system of Pinard. It would have been desirable to do so as this would allow for greater security of use of the ToL system by a user. For example, prevention of unauthorized access to the controls of a ToL interface within a GUI could prevent unauthorized long distance calls, or access to user records, while still allowing certain types of calls, e.g., local or emergency calls. Pinard teaches such a motive to combine the teachings in col. 1 lines 10-51 where user control over connectivity control functions for select types of calls is described. The teachings of Miller provide extra security and control over control functions displayed on a GUI of the type employed by Pinard.

As per claims 2, 3, 7, and 8, Miller teaches monitoring a location of a pointing device cursor and preventing said pointing device cursor from being moved to a location external to said client window, in col. 4 lines 39-67.

As per claims 4, 5, 9 and 10, Miller teaches setting a password to determine whether a user is authorized to access said other functions, in col. 2 lines 49-67.

As per claims 11 and 12, Miller teaches maximizing said client window and preventing an unauthorized user from demaximizing said client window in col. 2 lines 30-47.

As per claims 13-18, these claims are directed towards the apparatus carrying out the method of claims 1-12 and are therefore rejected on the same basis as claims 1-12.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (703) 305-1336. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on (703)-308-4789. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 Official Faxes, (703) 746-7240 Unofficial Faxes, and (703) 746-7238 After Final Faxes.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

~~11-01-04~~

7-27-04

Paul Callahan